

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

MAY 18 2015

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Gilberto Rodriguez

PRINCIPAL

United States

Case Number:

A202 085 712

YOB:

1987

M-15- 0794 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 17, 2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that **Luis Alberto Jimenez-Chable and Ulises Garcia-Gonzalez, citizens and nationals of Mexico, along with four (4) other undocumented aliens, for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Alamo, Texas to the point of arrest near San Manuel, Texas,**

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On May 17, 2015, at approximately 4:50 p.m., Border Patrol Agent Hector Ventura was working vehicle traffic observation duties on Highway 281 near San Manuel, Texas. Agent Ventura observed a white Ford Focus traveling north on Highway 281 in tandem with a silver in color Chevrolet Silverado. Agent Ventura observed the white Ford Focus riding low, an indication of numerous occupants in the vehicle. BPA Ventura approached the Ford Focus and drove beside it and observed a male driver who had a noticeable goatee and wearing a ball cap. Agent Ventura also noticed numerous occupants in the vehicle. At this time Agent Ventura headed north on U.S. Highway 281 to observe the Chevrolet Silverado that was riding in tandem with the white Ford Focus.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by David A. Lindemann

Perez 5/18/15


Sworn to before me and subscribed in my presence,

May 18, 2015
Date


3:45 pm

McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

Israel Perez Senior Patrol Agent
Printed Name of Complainant


Signature of Complainant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-0794 -M

RE: Gilberto Rodriguez

A202 085 712

CONTINUATION:

After only seeing one occupant in the Chevy Silverado Agent Ventura pulled off to the shoulder of Highway 281 and waited for the Ford Focus to pass his location. Once the Ford Focus passed Agent Ventura pulled behind the white Ford Focus. As Agent Ventura drove behind the Ford Focus and not having activated his service vehicles emergency equipment, the white Ford Focus veered off to the shoulder of the road and observed the rear doors of the sedan open while the vehicle was still moving. The Ford Focus rammed into a ranch high game fence and came to a stop. As the vehicle came to a stop, Agent Ventura observed a heavily tattooed male with a goatee, wearing blue jeans, a dark gray shirt, and a camouflage cap, flee from the driver's side of the vehicle and then jump over the fence. BPA Ventura also observed several other subjects fleeing from the vehicle and jumping over the fence as well. Back up agents arrived and began following foot sign of the fleeing subjects and were able to apprehend five subjects who all claimed to be Mexican citizens and nationals. A sixth person was apprehended later identified as Gilberto RODRIGUEZ. RODRIGUEZ, was wearing blue jeans, a dark gray shirt, and a camouflage ball cap at the time of his apprehension. Agent Ventura was able to identify RODRIGUEZ as the same person who exited the driver side of the vehicle due to his clothing, facial hair (goatee) and tattoos on his arms. All subjects were transported to the Weslaco Border Patrol Station for questioning and processing.

PRINCIPAL STATEMENT:

Gilberto Rodriguez was read his Miranda rights. He stated he was willing to provide a statement without the presence of an attorney.

RODRIGUEZ stated that he was riding with another subject which he identified as the foot guide. He stated that the reason they were riding together was to transport illegal aliens north to Houston, Texas. RODRIGUEZ claimed that the guide received a phone call, at which time they picked up four illegal aliens at the flea market off of Cesar Chavez Road. The subject then stated that they traveled to a house on McColl Road in McAllen, Texas and picked up three additional subjects. RODRIGUEZ admitted that he was aware the subjects he was picking up were illegally in the United States. After picking up the undocumented aliens RODRIGUEZ stated that he planned to drive the illegal aliens north on Highway 281 and drop them off a few miles south of the Falfurrias Checkpoint. He was then going to pick the illegal aliens back up off of Highway 285 north of the checkpoint and transport them to Houston, Texas. RODRIGUEZ stated that after he reached Houston he was going to be paid \$1000 USD. He also admitted to being the driver of the 2002 white Ford Focus and the person who tried to abscond from United States Border Patrol Agents.

MATERIAL WITNESS STATEMENTS:

Luis Alberto Jimenez-Chable was read his Miranda rights. He stated he was not willing to provide a statement without the presence of an attorney. He further stated the only statement he was willing to provide without the presence of an attorney was that he could identify Gilberto Rodriguez as the driver of the vehicle he was in.

1. JIMENEZ was presented with a photo lineup consisting of six different male subjects. JIMENEZ was able to identify Gilberto Rodriguez in a photo lineup as the driver.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15- 0794 -M

RE: Gilberto Rodriguez

A202 085 712

CONTINUATION:

Ulises Garcia-Gonzalez was read his Miranda rights. He stated he was willing to provide a statement without the presence of an attorney.

2. GARCIA stated that he made smuggling arrangements with an unknown individual in Mexico before crossing into the United States. GARCIA stated that he paid \$1000.00 USD to the smuggler before he crossed. GARCIA stated that when he crossed he made contact with the subject that he paid. He said that the smuggler sent someone in a truck to pick him up and take him to a house where he stayed for about eight days. GARCIA said that two men came to pick up him and eight other people. GARCIA said that he was picked up in a white car. GARCIA stated that he thought it was about 3:00 PM when he was picked up from the house. GARCIA stated that he was told to get into the trunk of the white car and that there was two other people in the trunk of the vehicle with him. GARCIA stated that he thought that they were driving for over an hour and that they did not make any other stops until they were stopped by Border Patrol. GARCIA said that he was a little scared right before they stopped because the vehicle was shaking around a lot. He said that they had to use emergency trunk release lever to exit the trunk. GARCIA stated that he and the others ran for a little while from the vehicle. He stated that they were encountered by a Border Patrol Agent and his dog a short time later. GARCIA stated that he did not know who the driver was but identified one of the individuals that came to pick them up. GARCIA stated that one of the people was apprehended with the group. GARCIA was able to identify Gilberto Rodriguez in a photo lineup as the person who had come to the house and picked him up.